UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/643,583	08/22/2000	Arun K. Gupta	CA920030516US1	9983

48231	7590	06/03/2005

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EXAMINER
DUONG, OANH L

ART UNIT	PAPER NUMBER
2155	

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/643,583	GUPTA ET AL.
	Examiner	Art Unit	
	Oanh L. Duong	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>03</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>23 December 2004</u>.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-14* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Response to Arguments

1.   Applicant's arguments with respect to claims 1-14 have been considered but are

moot in view of the new ground(s) of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Li

(US 6,591,266 B1) in view of Bates et al. (Bates) (US 6,275,858 B1) in further view of

Labounty et al. (Labounty) (US 6,871,211 B1).

Regarding claims 1, Li teaches a method for providing a requestor with access to

dynamic data via quasi-static data requests (e.g., see fig. 2 col. 1 lines 18-22),

comprising the steps of:

defining a web page, said web page including at least one dynamic element

(e.g., see col. 3 lines 31-49);

creating an executable digital code to be run on a computer (e.g., see col. 3 line

66-col. 4 lines 12) and invokes said executable code creating and storing copy of said

defined web page (e.g., see col. 18 line 45-col. 19 line19);

creating said scheduler component capable of invoking said executable code at

predetermined intervals (e.g., see col. 18 line 45-col. 19 line 19);

loading said executable code and said scheduler component onto a platform in

connectivity with a web server and in a manner in which said executable code and said

scheduler component are in connectivity with each another (e.g., see fig. 7 col. 12 lines

31-44 and col. 26 lines 32-61);

invoking execution of said scheduler component (e.g., see col. 18 line 45-col. 19

line 19); and retrieving and returning the static copy of said defined web page in

response to requests for said defined web page (e.g., see col. 8 line 64-col. 9 line17).

Li does not explicitly teach said web page including at least one dynamic element

that changes at a relatively slow or well defined rate as compared to other dynamic data

or that changes at a well defined rate with respect to other dynamic data, and executable code that generates the quasi-static copy of said web page is scheduled at periodic intervals.

Bates, in the same field of endeavor, teaches executable code that generates the copy of said web page is scheduled at periodic intervals (col. 4 lines 28-40). It would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized executable code that generates the copy of said web page is scheduled at periodic intervals of Bates in the process of generating/refreshing of the web page in Li because such use of executable code that generates the copy of said web page is scheduled at periodic intervals would provide automated, flexible, and efficient generating/refreshing of internet web pages (Bates, col. 1 lines 53-55).

Labounty teaches at least one dynamic element that changes at a relatively slow or well defined rate as compared to other dynamic data or that changes at a well defined rate with respect to other dynamic data (col. 7 lines 29-52), and a web page is quasi-static (col. 7 lines 46-47). It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to combine the teachings of Li to include at least one dynamic element that changes at a relatively slow or well defined rate as compared to other dynamic data or that changes at a well defined rate with respect to other dynamic data as taught by Labounty because it would improve the performance of the web pages that use HTTP by making change to HTTP itself (Labounty, col. 7 lines 29-31).

Regarding claim 2, Li teaches the web page is defined and stored in a repository (col. 38 lines 28-49).

Regarding claim 3, Li teaches defining a placement and derivation for elements in said web page (col. 13 line 57-col. 14 line 28); and defining said web page as either static or dynamic (Li, col. 9 lines 54-64).

Regarding claim 4, Li teaches said elements are defined as dynamic or static (col. 1 line 20-22).

Regarding claim 5, Li teaches executable code and scheduler code is generated from Business Class definitions (col. 2 lines 19-46).

Regarding claim 6, Li teaches static copy of defined web page is stored in a format capable of being viewed by a web browser (Fig. 4 col. 3 lines 24-30).

3.   Claims 7-8, 10-12 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Bates et al. (Bates) (US 6,275,858 B1) in view of Pearce.

Regarding claim 7, Bates teaches a method for providing a requestor with access to dynamic data (Fig. 4B), comprising steps of:

    providing a web page (col. 3 line 66-col. 4 line 17);

    a scheduler periodically invoking an executable to generate a copy of the web page (col. 4 lines 28-40); and

    upon receiving a request for the web page from the requestor, returning the copy of the web page (col. 5 lines 1-12).

Bates does not explicitly teach web page including at least one dynamic element that changes at a relatively slow or well-defined rate as compared to other dynamic data or that changes at a well defined rate with respect to other dynamic data.

Labounty teaches at least one dynamic element that changes at a relatively slow or well defined rate as compared to other dynamic data or that changes at a well defined rate with respect to other dynamic data (col. 7 lines 29-52), and a web page is quasi-static (col. 7 lines 46-47). It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to combine the teachings of Bates to include at least one dynamic element that changes at a relatively slow or well defined rate as compared to other dynamic data or that changes at a well defined rate with respect to other dynamic data as taught by Labounty because it would improve the performance of the web pages that use HTTP by making change to HTTP itself (Labounty, col. 7 lines 29-31).

Regarding claim 11, the system of claim 7 has a correspondent method of claim 7; therefore, claim 11 is rejected under same rationale as applied to claim 7.

Regarding claims 8 and 12, Bates teaches the at least one dynamic element is retrieved from an operational database by the executable when the copy of the web page is generated but is not retrieved when the copy is returned as a static copy to the requester (col. 4 line 66-col. 5 line12).

Regarding claims 10 and 14, Bates teaches the copy of the web page is stored in a format capable of being viewed by a web browser (i.e., col. 5 lines 8-9).

4.   Claims 9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Bates et al. (Bates) (US 6,275,858 B1) in view of Labounty in further in view of Helbig

(US 2002/0116257 A1).

Regarding claims 9 and 13, Bates-Labounty does not explicitly teaches Active

Server Page (ASP).

Helbig teaches executable is written in Active server Pages (APS) (page 5

paragraph 49). It would have been obvious to one having ordinary skill in the art at the

time the invention was made to have utilized the ASP of Helbig in the process of

generating a dynamic web page of Bates-Labounty because it was conventionally

employed in the art to allow dynamic web pages to be created as opposed to static

ones that are written in HTML.

5.   Claims 9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Bates in view of in view of Helbig (US 2002/0116257 A1).

Regarding claims 9 and 13, Bates does not explicitly teaches Active Server Page

(ASP).

Helbig teaches executable is written in Active server Pages (APS) (page 5

paragraph 49). It would have been obvious to one having ordinary skill in the art at the

time the invention was made to have utilized the ASP of Helbig in the process of

generating a dynamic web page of Bates because it was conventionally employed in the

art to allow dynamic web pages to be created as opposed to static ones that are written

in HTML.

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Oanh L. Duong whose telephone number is (571) 272-

3983. The examiner can normally be reached on Monday- Friday, 8:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ario Etienne can be reached on (571) 272-4001. The fax phone number for

the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

Bharat Barot.

BHARAT BAROT
PRIMARY EXAMINER

O.D
May 27, 2005